

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 IO-13 ACDA-07 (ISO) W
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R 112039Z AUG 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 0589
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USBERLIN
USMISSION NATO

C O N F I D E N T I A L BONN 13151

E.O. 11652: GDS
TAGS: PGOV. BQG
SUBJECT: VISIT TO BERLIN OF FRG INTERIOR MINISTER

REF: (A) BONN 13080

1. FRG BONN GROUP REP (VON BRAUNMUEHL) INFORMED THE BONN GROUP ON AUGUST 10 THAT THE FOREIGN OFFICE HAD INQUIRED OF THE MINISTRY OF INTERIOR AS TO WHAT TRANSPIRED IN BERLIN DURING MAIHOFFER'S VISIT THERE. THE FOREIGN OFFICE WAS INFORMED THAT THERE WAS A SPEECH BY MAIHOFFER AND THE LETTER OF APPOINTMENT WAS HANDED OVER. HOWEVER, THERE WAS NO OATH RENDERED TO FRAUENKNECHT BECAUSE HE ALREADY BELONGED TO THE MINISTRY OF THE INTERIOR. THE FOREIGN OFFICE HAS REQUESTED THE MINISTRY OF INTERIOR TO PROVIDE A FORMAL LEGAL OPINION REGARDING THE IMPORTANCE OF THE ACT OF FORMALLY HANDING OVER THE LETTER OF APPOINTMENT. THE US LEGAL ADVISER NOTED THAT OUR RESEARCH
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ON THE BEAMTENGESETZ (REF A) SHOWED THAT THIS WAS AN ACT WHICH HAD LEGAL CONSEQUENCES. THE GERMANS SAID THAT THEY HAD FOUND THE SAME PROVISION AND HAD SPECIFICALLY ASKED THE MINISTRY OF INTERIOR, WHICH IS ALSO RESPONSIBLE FOR THE INTERPRETATION OF THE BEAMTENGESETZ, FOR AN INTERPRETATION.

2. THE US REP SAID THAT WE UNDERSTOOD THAT VOGEL HAD ALSO HANDED OVER A LETTER OF APPOINTMENT LAST YEAR BUT VON BRAUNMUEHL REPLIED THAT THE FOREIGN OFFICE IS UNDER THE IMPRESSION THAT HE DID NOT AND THAT THIS FACT DISTINGUISHES MAIHOFFER'S VISIT FROM VOGEL'S.

3. THE FRENCH REP (RICHARD) EXPRESSED REGRET AT MAIHOFFER'S VISIT AND NOTED ESPECIALLY THAT MAIHOFFER, IN HIS SPEECH IN BERLIN, SAID THAT THE INDEPENDENCE OF THE SOLICITOR GENERAL (OBERBUNDESANWALT) IS EXEMPLIFIED BY THE FACT THAT ONLY THE FEDERAL GOVERNMENT BY CABINET DECISION ("BUNDESREGIERUNG ALS KOLLEGIUM") MAY GIVE HIM ORDERS. RICHARD OBSERVED THAT THIS IS CONTRARY TO THE ALLIED CONCEPT OF SUPREME AUTHORITY IN BERLIN.

4. COMMENT: THE FOREIGN OFFICE IS OBVIOUSLY EMBARRASSED BY MAIHOFFER'S ACTIVITY AND IS REPORTEDLY TAKING UP THE MATTER WITH THE MINISTRY OF INTERIOR AT A FAIRLY HIGH LEVEL.
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Message Attributes

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Control Number: n/a
Copy: SINGLE
Sent Date: 11-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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